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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,827	05/10/2001	Scott Harvey Demsky	AUS920010224US1	5442

7590

06/28/2004

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EXAMINER
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RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/852,827

Applicant(s)

DEMSKY ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/26/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toohey U.S.

Patent No. 6,405,176, further in view of Official Notice

Regarding claims 1-4, Toohey teaches providing different suppliers of items offered for sale at virtual store; presenting display screen, enabling selection and presenting purchase summary to customers (see col. 3 line 36 to col. 4 line 23). Toohey teaches processing multiple store level electronic shopping carts in an e-commerce mall, the shoppers being provided with the convenience of the single payment transaction for all shopping in the virtual mall (see abstract). Toohey also teaches aggregating each shopping cart of each individual store into a single transaction (see col. 3 lines 1-10 and col. 4 lines 24-40). Toohey does not explicitly teach providing discount schedules for each suppliers and presenting the appropriate discount as determined accordance to the discount schedule. Official notice is taken that is old and well known in the art of on-line shopping for merchants to provide variety of product discounts, such as current specials, volume discounts or group discounts and to calculate the price based on the specified discount before displaying the price on the shopping cart. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate individual merchants' discount into the aggregated shopping virtual ledger of Toohey. It would have been obvious for

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Toohey's multiple shopping carts to include the discounts provided by each merchant and to process the virtual ledgers including the discount at the mall-level.

Regarding claims 5 and 6 teaches enabling confirmation of the purchase of the selected items and saving the sales information records ... (see fig. 2 and col. 2 line 21 to col. 3 line 10).

Claims 8-11 are rejected as stated above in claims 1-4 respectively.

Claims 12-14 are rejected as stated above in claims 5 and 6 respectively.

Regarding claims 15-18, Toohey teaches a system bus; a CPU, a memory and means for receiving input from customer system, memory for storing different suppliers items offered for sale at virtual store; presenting display screen, enabling selection and presenting purchase summary to customers (see col. 3 line 36 to col. 4 line 23). Toohey teaches processing multiple store level electronic shopping carts in an e-commerce mall, the shoppers being provided with the convenience of the single payment transaction for all shopping in the virtual mall (see abstract). Toohey also teaches aggregating each shopping cart of each individual store into a single transaction (see col. 3 lines 1-10 and col. 4 lines 24-40). Toohey does not explicitly teach providing discount schedules for each suppliers and presenting the appropriate discount as determined accordance to the discount schedule. Official notice is taken that is old and well known in the art of on-line shopping for merchants to provide variety of product discounts, such as current specials, volume discounts or group discounts and to calculate the price based on the specified discount before displaying the price on the shopping cart. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate individual merchants' discount into the aggregated shopping virtual ledger of Toohey. It would have been obvious for

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Toohy's multiple shopping carts to include the discounts provided by each merchant and to process the virtual ledgers including the discount at the mall-level.

Claims 19-21 are rejected as stated above in claims 5 and 6 respectively.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blinn et al U.S. Patent No. 6,058,373 teaches processing electronic order forms.

Musgrove et al. U.S. Patent No. 6,725,222 teaches user selecting products for purchase from plural merchant servers by examining product information stored on a shopping server.

Kenny U.S. Patent No. 6,381,583 teaches electronic shopping system with virtual shopping facility.

Shoham et al. U.S. Patent No. 6,584,451 teaches facilitator for aggregating buyer power in an on-line market system.

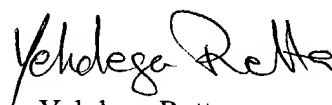
Angles et al. U.S. Patent No. 5,933,811 teaches virtual shopping mall and shopping cart.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Yehdega Retta". The signature is fluid and cursive, with the first name "Yehdega" and the last name "Retta" clearly distinguishable.

Yehdega Retta  
Primary Examiner  
Art Unit 3622

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